

REMARKS

Overview

This amendment accompanies the following of a Request for Continued Examination. Claims 17-30 are pending in this application. Claims 19-30 are new. The present response is an earnest effort to place all claims in proper form for immediate allowance. Reconsideration and passage to issuance are therefore respectfully requested.

Examiner Interview

The Applicant and the undersigned attorney thank the Examiner for the courtesy extended during the personal interview on Friday, September 24, 2004. The Examiner suggested filing a Request for Continued Examination and amending the claims. In specific, the Examiner suggested adding the idea of a bone conduction sensor to the earpiece. Also, the Examiner suggested adding language concerning shielding. No agreement as to allowability of the claims was reached.

Issues Under 35 U.S.C. § 103

Claims 1, 2, 4-9, 17 and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent No. 5,721,783 to Anderson in view of U. S. Patent No. 5,664,012 to Chen. Claims 1, 2 and 4-9 have been cancelled, thereby mooted these rejections. Claim 17 has also been amended to now require "a bone conduction sensor."

Anderson is directed towards a hearing aid with a wireless remote processor (Abstract). Anderson discloses that there is an earpiece and then there is a remote processor unit (RPU) which processes information received from the earpiece (Figure 1). It is noted that one of the primary objects of the Anderson invention is to remove audio signal enhancement functions from

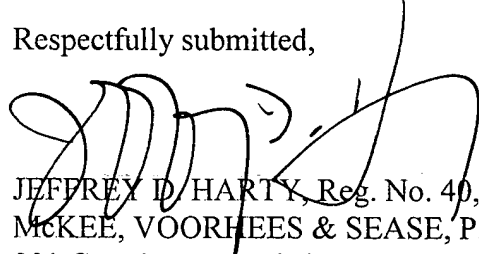
the earpiece and place them in the RPU (column 2, lines 19-39). Claim 17 specifically requires that the earpiece include a processor. Contrary to the Examiner's interpretation of Anderson, Anderson does not disclose an earpiece having a processor. The Examiner cites to Figure 1 for this proposition, indicating that element 13 references a processor. That is not correct. Element 13 of Figure 1 of Anderson merely references an RF transceiver and not a processor in the earpiece. Therefore, Anderson does not disclose all that the Examiner purports it to and the Examiner should withdraw this rejection to claim 17 on this basis. As claim 18 depends from claim 17, this rejection should also now be withdrawn.

New Claims

Claims 19-30 are new. Support for these claims should be apparent from the previous claims, the figures, and specification as originally filed. The Applicant respectfully submits that these claims are also in proper form for allowance.

This amendment accompanies the Request for Continued Examination. No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Respectfully submitted,



JEFFREY D. HARTY, Reg. No. 40,639
McKEE, VOORHEES & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
Phone No: (515) 288-3667
Fax No: (515) 288-1338
CUSTOMER NO: 22885
Attorneys of Record

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